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7 UNITED STATES DISTRICT COURT

8 FOR THE DISTRICT OF NEVADA

9 * * * * *

10 THE UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 IN EQUITY

14 3:73-CV-0003-LDG

15 ORR WATER DITCH COMPANY, et al.,

16 Defendant.

17 _____/
18 ORDER APPROVING WATER MASTER'S BUDGET FOR
19 2016-2017; CREATING AN ASSESSMENT TO REPLENISH
20 THE FUND HERETOFORE ESTABLISHED TO PAY THE
21 EXPENSE OF CONDUCTING THE WATER MASTER'S
22 OFFICE; CREATING A SPECIAL ASSESSMENT TO
23 CONTINUE THE FUND HERETOFORE ESTABLISHED TO
24 PAY THE EXPENSE OF SPECIAL ADMINISTRATION
25 OF STEAMBOAT CREEK AND THE WASHOE LAKE
26 OR UPPER STEAMBOAT CREEK AND THE WASHOE LAKE
27 RESERVOIR; APPORTIONING THE COSTS THEREOF;
28 AND PROVIDING THE MANNER AND METHOD FOR COLLEC-
TION THEREOF; AND APPROVING THE WATER MASTER'S
ADMINISTRATION OF THE DECREE FOR 2015-2016

BE IT REMEMBERED that the petition of CHAD BLANCHARD, Water
Master appointed herein to administer the Final Decree entered
on September 8, 1944, asking that an assessment be created to
replenish the fund heretofore established to pay the expenses of
conducting the office of the Water Master, and a special
assessment be created to replenish the fund heretofore

1 established to pay the expense of his special administration of
2 Steamboat or Galena Creek, Washoe Creek or Upper Steamboat Creek
3 and the Washoe Lake Reservoir, and approving the Water Master's
4 administration of the Decree for 2015-2016, and approving the
5 filing of an audit for 2015-2016, by January 15, 2017, and for
6 such other action as might seem meet and proper in the premises,
7 filed with the Clerk of this Court on December 30, 2016, having
8 come on for hearing this date pursuant to proper notice, and all
9 parties having the opportunity to be heard on objections filed,
10 and good cause appearing,

12 **NOW, THEREFORE, IT IS HEREBY ORDERED:**

13 1. That the estimated general budget for the period from
14 October 1, 2016, to September 30, 2017, submitted by the Water
15 Master on December 30, 2016, as part of his petition, is hereby
16 approved.

17 2. That in order to provide a means for the payment of
18 further expense of conducting the Office of the Water Master,
19 particularly for the period from October 1, 2016 to September 30,
20 2017, there is hereby created an assessment in the sum of FOUR
21 HUNDRED FIFTY THOUSAND DOLLARS (\$450,000.00) to replenish the
22 fund heretofore established, and that the same be, and hereby is
23 apportioned to be paid and borne as provided in the Final Decree,
24 to wit:

26 One-third by the United States of America,
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1 one-third by the TRUCKEE MEADOWS WATER AUTHORITY
2 and the remaining one-third by the remaining
3 persons or corporations whose rights are
4 adjudicated by this Decree.

5 3. That the Truckee-Carson Irrigation District and the
6 Bureau of Indian Affairs of the United States of the Interior be,
7 and they hereby are, ordered and directed to pay the Office of
8 the Water Master in this case, as their apportioned one-third
9 assessment, the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS
10 (\$150,000.00); that NINETY-TWO and ONE-HALF PERCENT (92-1/2%) of
11 said amount, being the sum of ONE HUNDRED THIRTY-EIGHT THOUSAND
12 SEVEN HUNDRED FIFTY DOLLARS (\$138,750.00), is to be borne by the
13 Truckee-Carson Irrigation District for Newlands project lands,
14 and SEVEN and ONE-HALF PERCENT (7-1/2%) of said amount, being
15 the sum of ELEVEN THOUSAND TWO HUNDRED FIFTY DOLLARS
16 (\$11,250.00), is to be borne by the Bureau of Indian Affairs of
17 the United States Department of the Interior for Pyramid Indian
18 lands, such assessment to be paid on or before April 30, 2017.

19 4. That defendant, TRUCKEE MEADOWS WATER AUTHORITY, be,
20 and it is hereby ordered, and directed to pay the Office of the
21 Water Master in this case, as its apportioned one-third of the
22 assessments, the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS
23 (\$150,000.00), the assessment to be paid on or before April 30,
24 2017.

1 5. That the "remaining persons or corporations whose
2 rights are adjudicated by this Decree, or their successors in
3 interest", be, and they hereby are, ordered and directed to pay
4 as their apportioned one-third of the assessment, the total sum
5 of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00), payable as
6 more specifically hereinafter set forth.
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8 6. That Washoe County Water Conservation District be, and
9 it hereby is, directed to levy and collect prorata assessments
10 from the remaining persons or corporations whose rights were
11 adjudicated by this Decree and whose lands are within the
12 boundaries of the Washoe County Water Conservation District in
13 the amount of SIXTY-FIVE PERCENT (65%) of their apportioned one-
14 third shares of the total assessments provided for in this
15 Decree, being the sum of NINETY-SEVEN THOUSAND FIVE HUNDRED
16 DOLLARS (\$97,500.00); that Washoe County Water Conservation
17 District be, and it hereby is, directed to allocate said sum
18 among its members as aforesaid, according to a schedule of
19 charges based upon acreage, including minimum charges applicable
20 to fractional acreage, which schedule shall be subject to the
21 approval of the Water Master, and that the Washoe County Water
22 Conservation District shall pay the aforesaid sums collected by
23 such District for the Water Master on or before April 30, 2017.
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25 7. That the remaining persons or corporations whose
26 rights were adjudicated by this Decree and whose lands are
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1 outside of the boundaries of the Washoe County Water
2 Conservation District be, and hereby are, ordered and directed
3 to pay THIRTY-FIVE PERCENT (35%) of their apportioned one-third
4 share of the total assessments provided for in this Decree,
5 being the sum of FIFTY-TWO THOUSAND FIVE HUNDRED DOLLARS
6 (\$52,500.00); that the Water Master, CHAD BLANCHARD, be, and
7 hereby is, directed to collect such sums as aforesaid according
8 to a schedule of charges, which charges shall be paid to the
9 Water Master on or before April 30, 2017, as follows: The
10 minimum assessment of SEVENTEEN DOLLARS AND 20 CENTS (\$17.20)
11 against those parties owning fifty (50) acre-feet or less;
12 against those parties owning more than fifty (50) acre-feet, the
13 sum of THIRTY-FIVE CENTS (\$.35) for each acre-foot.
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15 8. That the Water Master, CHAD BLANCHARD, be, and hereby
16 is, directed to continue to maintain as part of the Water
17 Master's fund, a separate bank account or accounts known as the
18 "Excess Payment Account" heretofore established pursuant to an
19 order of this Court, only as to the assessments collected from
20 the remaining persons or corporations whose lands are outside
21 the boundaries of the Washoe County Water Conservation District,
22 and who are responsible for THIRTY-FIVE PERCENT (35%) of their
23 apportioned one-third share of the total assessments provided
24 for in this Decree; and that any excess sums which are collected
25 and deposited in said account shall be held in such account, and
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1 subject to disbursement only as may be directed from time to
2 time by this Court.

3 9. That the Water Master's estimated excess payments
4 account budget for the period from October 1, 2016 to September
5 30, 2017, submitted by the Water Master on December 30, 2016, as
6 part of his petition herein, is hereby approved.
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8 10. That the Water Master's report and audit for the
9 fiscal year ending September 30, 2016, filed with the court on
10 December 30, 2016, is hereby approved.

11 11. That the Water Master is granted authority to continue
12 the additional duties of supplying hydraulic data and assisting
13 in the coordination of the operation of the Prosser Creek and
14 Stampede Reservoirs in the State of California pursuant to a
15 request therefore made by the Bureau of Reclamation of the
16 United States Department of the Interior, his services in that
17 connection to be compensated for at a sum not to exceed ONE
18 HUNDRED SIXTY-SIX THOUSAND DOLLARS (\$166,000.00) per year; that
19 the Prosser Creek and Stampede Reservoirs' operation budget for
20 the period from October 1, 2016, to September 30, 2017,
21 submitted by the Water Master on Petition filed December 30,
22 2016, is hereby approved.
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24 12. That all monies collected from the Bureau of
25 Reclamation of the United States Department of the Interior
26 pursuant to this Order shall be deposited by the Water Master in
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1 a special fund of the Water Master's Office.

2 13. That the Water Master shall include in the annual
3 report and audit by a certified public accountant, required to
4 be filed by him with the Court on or before January 15, 2018, a
5 report concerning his services rendered the Bureau of
6 Reclamation of the United States of the Interior for the period
7 ending on September 30, 2017, and an audit of the monies
8 collected and expended by him in connection with such services.
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10 14. That the Budget submitted by the Water Master on
11 December 30, 2016, as an Exhibit "B" (Special Fund) to his
12 petition, as the necessary expenses to be incurred by the Water
13 Master in administering the provisions of the Final Decree
14 relating to Steamboat or Galena Creek, Washoe Creek or Upper
15 Steamboat Creek and the Washoe Lake Reservoir from October 1,
16 2016 to September 30, 2017 is hereby approved.
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18 15. That in order to provide a means for the payment of
19 the additional necessary expenses to be incurred by the Water
20 Master in administering the provisions of the Final Decree
21 relating to Steamboat or Galena Creek, Washoe Creek or Upper
22 Steamboat Creek and the Washoe Lake Reservoir for the period
23 from October 1, 2016, to September 30, 2017, there are hereby
24 created special assessments in the total sum of EIGHTEEN
25 THOUSAND DOLLARS (\$18,000.00), more or less, as shown in the
26 Special Assessment Roll on the records of the Water Master, to
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1 continue the fund heretofore established on July 27, 1962, by an
2 Order of this Court for special administration.

3 16. That the water users named in the Special Assessment
4 Roll on the records of the Water Master, be, and they hereby are,
5 ordered and directed to pay the office of the Water Master the
6 sums of money specified as their share of such special
7 assessments in such Special Assessment Roll on or before April
8 30, 2017.
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10 17. That all monies collected as such special assessments
11 pursuant to this order, shall be deposited by the Water Master
12 in a special fund of the Water Master's office.

13 18. That the Water Master shall include in the annual
14 report and audit by a certified public accountant, required to
15 be filed by him with the Court on or before January 15, 2018, a
16 report concerning his special administration of the water of
17 Galena or Steamboat Creek, Washoe Creek or Upper Steamboat Creek
18 and the Washoe Lake Reservoir for the period from October 1,
19 2016 to September 30, 2017, and an audit of the special
20 assessment monies collected and expended by him in the
21 supervision of such stream system for said period.
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23 19. That the Water Master shall continue to operate the
24 reservoirs of Boca and Lake Tahoe.

25 20. That each and all of the various assessments and
26 special assessments above stated and apportioned to the various
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1 parties hereto are hereby adjudged to the extent of the various
2 assessments and special assessments to be a charge and
3 obligation taxable and payable as costs in this action, the same
4 as if entered in a judgment or decree, and to be and remain
5 until paid, a first lien, against all right, title and interest
6 of the above-named defendants, intervenors, parties or persons,
7 and their predecessors and successors in interest, in the lands,
8 ditches, water and water rights and works owned or claimed by
9 them, or as shown, appearing, mentioned or described in the
10 findings or in the papers in this case.

12 21. That if any of the sums so assessed, apportioned and
13 allowed remain unpaid thirty (30) days after the date mentioned
14 for the payment thereof, attachments for contempt may issue
15 against the party or parties failing to make any payments so
16 ordered to be made, and execution may issue for the recovery,
17 satisfaction or obtaining of payment thereof against the parties,
18 intervenors or persons liable for the payment thereof as above
19 allowed, together with a reasonable late payment fee, and
20 against their right, title and interest in the lands, ditches,
21 water and water rights and works, and other property, whether
22 conveyed after the commencement of this suit or not; and the
23 same may be seized and sold to pay and satisfy such amount so
24 allowed and remaining unpaid, together with costs, and a
25 reasonable late payment fee not less than TEN DOLLARS (\$10.00),
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1 the same as in cases of foreclosure of mortgage and liens, or
2 upon judgment in ordinary actions at law or in equity, and the
3 Water Master is hereby authorized and empowered to shut off the
4 water of any party failing to make any payments assessed against
5 him or her, or his or her water rights, at the time or times at
6 which the same should be made, such water to remain shut off
7 until such time as any such payments shall be made, and the
8 costs of shutting off such water shall be assessed against any
9 such party.
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11 22. That the Water Master, CHAD BLANCHARD, be, and hereby
12 is, directed to continue in effect the surety bond in the sum of
13 FIFTY THOUSAND DOLLARS (\$50,000.00) heretofore provided pursuant
14 to his order of appointment for the faithful performance of his
15 duties as custodian of such funds and the property that may be
16 in his care.
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18 23. That the operation and administration of the Water
19 Master's Office in administering the provisions of the Final
20 Decree for the period from October 1, 2015 to September 30, 2016,
21 is hereby approved.

22 24. That the parties in interest must notify the Office of
23 the Water Master when title to a water right is changed, and
24 that the Water Master shall not be required to deliver water to
25 any new owner unless written notice of such change is received
26 by the Water Master's Office.
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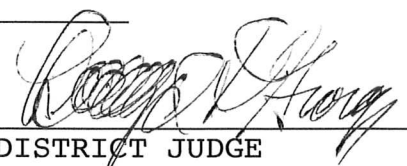
1 25. That the Water Master is directed to create a funded
2 account pursuant to existing Personnel and Benefits Policy to
3 cover the cost of continuing health insurance on qualified
4 personnel, upon their retirement, and that the cost shall be
5 included in the Water Master's Budget each year until such time
6 as the earned benefit is exhausted.

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8 26. That the commencement of the Truckee River Operating
9 Agreement on December 1, 2015, is hereby approved.

10 27. That the Clerk of this Court give notice of the
11 required payments to be made by each water user by mailing a
12 copy of this Order and the Notice annexed hereto to each of the
13 attorney's appearing of record for the Plaintiff and sundry
14 Defendants in this cause within five (5) days of the entry of
15 this Order; the Water Master is further directed to give such
16 notice to the parties hereto and their successors and assigns by
17 publishing a copy of the Notice annexed hereto in the Reno
18 Gazette-Journal once a week for two (2) successive weeks.

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20 This Order is made subject to such further orders as the
21 Court may deem proper to make hereafter regarding this Order for
22 the compensation or expenses of the Water Master and his
23 assistants or the payment thereof.

24 DATED this 27 day of F.B.

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DISTRICT JUDGE